

ORDINANCE NO. 08-51

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION AND FEES", ARTICLE II. OCCUPATIONAL LICENSE TAX BY REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF FEES" TO INCLUDE AN OCCUPATIONAL LICENSE TAX (LOCAL BUSINESS TAX RECEIPTS) FOR OPERATORS OF INTERNET CAFES FOR EACH COMPUTER OR INTERNET TERMINAL AVAILABLE TO THE PUBLIC ON A FEE BASIS IN ADDITION TO THE BASE FEE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to identify specific occupational license classifications (Local Business Tax Receipts) for operators of internet cafes and businesses providing computers or internet terminals to the public on a fee basis, and impose fees to cover increased costs of licensing inspection, regulation and enforcement services in connection therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation and Fees" of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 86-43 entitled "Schedule of fees", to read as follows:

Chapter 86

TAXATION AND FEES

ARTICLE II. OCCUPATIONAL LICENSE TAX

* * *

Sec. 86-43. Schedule of fees.

* * *

DIVISION I. SERVICES

	*	*	*
Major Group 73.	Business Services		
	*	*	*
7371, 7372, 7373, 7374, 7375, 7376, 7377. Computer hardware rent or lease			100.00
<u>7375. For each site</u>			<u>100.00</u>
<u>Plus a terminal fee for each computer or internet terminal available to the public for a fee or charge</u>			<u>25.00</u>
7377A. Inventory up to \$10,000.00			90.00
7377B. Inventory up to \$25,000.00			125.00
7377C. Inventory up to \$50,000.00			150.00
7377D. Inventory up to \$100,000.00			225.00
7377D. Inventory up to \$100,000.00			250.00
7377F. Inventory over \$250,000.00			300.00
	*	*	*

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10th day of June, 2008.

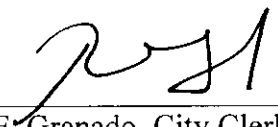
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



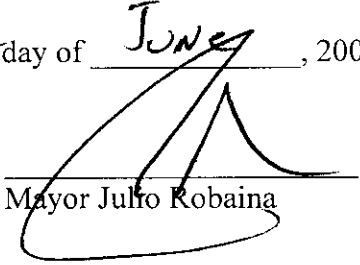
Esteban Bovo
Council President

Attest:

Approved on this 12 day of June, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".